

**FILED**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

NOV 3 2021

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

**NORTHWEST ENVIRONMENTAL  
DEFENSE CENTER; et al.,**

Plaintiffs-Appellees,

v.

**UNITED STATES ARMY CORPS OF  
ENGINEERS; NATIONAL MARINE  
FISHERIES SERVICE,**

Defendants-Appellants,

and

**CITY OF SALEM; COUNTY OF  
MARION,**

Intervenor-Defendants.

No. 21-35918

D.C. No. 3:18-cv-00437-HZ  
District of Oregon,  
Portland

ORDER

The appeal filed October 29, 2021, is a preliminary injunction appeal.

Accordingly, Ninth Circuit Rule 3-3 shall apply.

The mediation questionnaire is due three days after the date of this order.

If they have not already done so, within 7 calendar days after the filing date of this order, the parties shall make arrangements to obtain from the court reporter an official transcript of proceedings in the district court that will be included in the record on appeal.

The briefing schedule shall proceed as follows: the opening brief and excerpts of record are due not later than November 29, 2021; the answering brief is due December 27, 2021 or 28 days after service of the opening brief, whichever is earlier; and the optional reply brief is due within 21 days after service of the answering brief. *See* 9th Cir. R. 3-3(b).

No streamlined extensions of time will be approved. *See* 9th Cir. R. 31-2.2(a)(3). Any request for an extension of time to file a brief must be made by written motion under Ninth Circuit Rule 31-2.2(b).

Failure to file timely the opening brief shall result in the automatic dismissal of this appeal by the Clerk for failure to prosecute. *See* 9th Cir. R. 42-1.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Tina S. Price  
Deputy Clerk  
Ninth Circuit Rule 27-7